



FACT SHEET

**The United States Environmental Protection Agency (EPA)
Plans To Modify A National Pollutant Discharge Elimination System (NPDES)
Permit to:**

**The North Idaho Correctional Facility
Wastewater Treatment Plant**

Technical Contact

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EPA Proposes To Modify NPDES Permit

EPA proposes to modify the NPDES permit to the North Idaho Correctional Facility.

This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures
- technical material supporting the conditions in the permit modification

401 Certification

EPA is requesting that the Idaho Department of Environmental Quality (DEQ) certify the NPDES permit modification under section 401 of the Clean Water Act.

Public Comment

Persons wishing to comment on, or request a Public Hearing for the draft permit modification may do so in writing by the expiration date of the Public Comment period. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for Public Hearings must be in writing and should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the Public Notice expires, and all comments have been considered, EPA's Regional Director for the Office of Water and Watersheds will make a final decision regarding permit modification. If no substantive comments are received, the tentative conditions in the draft permit modification will become final, and the permit modification will become effective upon issuance. If comments are received, EPA will address the comments and issue the permit modification. The permit modification will become effective 30 days after the issuance date, unless an appeal is submitted to the Environmental Appeals Board within 30 days.

Documents are Available for Review

The draft NPDES permit modification and related documents can be reviewed or obtained by visiting or contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (see address below). The draft permit modification, fact sheet, and other information can also be found by visiting the Region 10 website at "www.epa.gov/r10earth/water.htm."

United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, OWW-130
Seattle, Washington 98101
(206) 553-2108 or 1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)

The fact sheet and draft permit modification are also available at:

EPA Idaho Operations Office
1435 North Orchard Street
Boise, Idaho 83706
(208) 378-5746

Idaho DEQ, Lewiston Regional Office
1118 "F" Street
Lewiston, Idaho 83501
(208) 799-4370

I. APPLICANT

This fact sheet provides information on the wastewater treatment plant draft permit modification for the North Idaho Correctional Facility (NICF), NPDES Permit Number ID-002588-1.

II. BACKGROUND

The NICF was issued an NPDES permit (effective May 1, 2004) which authorized discharge during the months of May through November to an unnamed creek which flows into Lawyer Creek. This was the first NPDES permit issued to the facility. The seasonal discharge was based on the permit application which stated that the facility only discharges during those months. No comments were received on the permit during the public comment period.

Following the final permit issuance, the NICF contacted EPA and requested to discharge outside of the time frame allowed in the permit. The permittee submitted a request for a permit modification on May 14, 2004 to discharge during the months of March through December of each year. Depending on precipitation events, the facility lagoons do not have sufficient capacity to store the effluent until May 1st. Further, the ponds were not designed to restrict the discharge until May 1st. (During the months of January and February, the facility does not discharge since ice on the ponds may limit operation.)

The regulations at 40 CFR §122.62 allow NPDES permits to be modified for cause. In this case, the cause for modification is new information that was not available at the time of the permit issuance and that would have justified the application of different permit conditions at the time of permit issuance (40 CFR §122.62(a)(2)). Therefore, this permit is being modified in accordance with the requirements of 40 CFR §124.5. When a permit is modified, only the conditions subject to modification are reopened.

III. DISCUSSION

The permit includes technology-based effluent limits for TSS and BOD, and water quality-based effluent limits for chlorine, *E. coli*, and pH. The time frame, during which the facility discharges, has no impact on the technology-based effluent limits.

An NPDES permit must ensure that the discharge from the facility complies with the State's water quality standards. Water quality-based effluent limits are developed to protect the receiving water during critical conditions, which occur during the lowest flows in the receiving water and the highest effluent flows, for the period in which the facility is allowed to discharge. The May 2004 permit limits are based on the lowest flows during the summer months, which are the lowest flows for the stream year-round. The additional months, during which the

facility is requesting to discharge (i.e. March and April) coincide with higher receiving water flows and therefore, less critical conditions than those used to develop the May 2004 permit. Therefore, the existing effluent limits will be protective and no revisions to the water quality-based effluent limits are required for this permit modification.

IV. PERMIT MODIFICATIONS

Page 5 of the permit is modified to replace the words “from May through November”, with “from March 1st through December 31st.”

VIII. OTHER LEGAL REQUIREMENTS

Endangered Species Act

The Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species. A biological evaluation (BE) analyzing the effects of the discharge from the facility on listed endangered and threatened species in the vicinity of the facilities was prepared for the 2004 permit. The BE determined that issuance of the permits will not affect any of the threatened or endangered species in the vicinity of the discharge. EPA has determined that this modification to the permit will not affect any of the threatened or endangered species in the vicinity of the discharge.

Essential Fish Habitat

Essential fish habitat (EFH) is the waters and substrate (sediments, etc.) necessary for fish to spawn, breed, feed, or grow to maturity. The Magnuson-Stevens Fishery Conservation and Management Act (January 21, 1999) requires EPA to consult with the National Marine Fisheries Service (NMFS) when a proposed discharge has the potential to adversely affect (reduce quality and/or quantity of) EFH. The EPA has tentatively determined that the modification of this permits will not affect any EFH species in the vicinity of the discharges, therefore consultation is not required for this action.

State Certification

Section 401 of the CWA requires EPA to seek State certification before issuing a final permit modification. As a result of the certification, the State may require more stringent permit conditions or additional monitoring requirements to ensure that the permit complies with water quality standards.

Permit Expiration

The permit will expire on April 30, 2009 (five years from the effective date of the May 2004 permit).